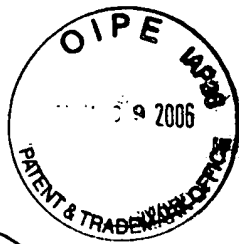


BDW



MG-2555 (143*242)



I hereby certify that this paper, along with any other paper or fee referred to in this paper as being transmitted herewith, is being deposited with the United States Postal Service with sufficient postage as First-Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, P. O. Box 1450, Alexandria, VA 22313-1450 on this 3rd day of May, 2006.

By: [Signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

HILDEBRANDT :
:
SERIAL NO. 10/726,009 : Art Unit: 1725
:
FILED: DECEMBER 2, 2003 :
: Examiner: Samuel M. Heinrich
FOR: PROTECTIVE GAS FOR THE
NON-VACUUM ELECTRON- :
BEAM WELDING OF :
METALLIC MATERIALS :

Hon. Commissioner of Patents
and Trademarks
P. O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Sir:

Reconsideration is respectfully requested of the Office Action of February 17, 2006 in view of the following.

It is respectfully submitted that claims 7-12 are not anticipated by or obvious from the Mombo-Caristan or Royle patents. Claim 7, for example, relates to a method for the non-vacuum electron-beam welding of metallic materials. The method includes as an improvement using a protective gas which consists of a gas having a temperature less than ambient temperature. Neither of the Mombo-Caristan nor Royle references discloses the temperature of the protective gas used. In the rejection the Examiner took the position that due to a decompression of the compressed gases a

cooling would take place. Applicant does not agree with this conclusion. Neither of the references discloses the expansion of compressed gases. Furthermore, the temperature of the gas which is reached by the expansion strongly depends on the circumstances of the expansion, neither of which is disclosed in Mombo-Caristan nor in Royle.

With regard to Mombo-Caristan the Examiner specifically referred to col. 9, lines 21+. That portion of Mombo-Caristan, however, describes what is illustrated in Figure 2 including clearly pointing out that the sheets "being welded in the vicinity where the focused laser beam 34 is impinging..." (emphasis added) Accordingly, what Mombo-Caristan is concerned with is a method for "laser beam" welding, not for "non-vacuum electron-beam welding" as defined in parent claim 7. Thus, Mombo-Caristan could not be relied upon for any disclosure or suggestion of providing a protective gas for electron-beam welding. The same protective gas is not disclosed for such electron beam welding when considering the full context of Mombo-Caristan.

In view of the above it should be clear that neither Mombo-Caristan nor Royle anticipates the invention of claim 7 and moreover, neither of those references make any suggestions which would lead to the conclusion that claim 7 or its dependent claims are obvious.

For the reasons submitted above this application should be passed to issue.

Respectfully Submitted,

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